

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PEOPLE OF USA,
Plaintiff,

v.

KAMALA HARRIS,
Defendant.

Case No. [21-mc-80015-HSG](#)

**ORDER REGARDING PRE-FILING
REVIEW AND DISMISSING
COMPLAINT**


On January 19, 2021, Plaintiff Hung Ha submitted what appears to be a complaint against the United States and Vice President Kamala Harris as well as an application to proceed *in forma pauperis*. See Dkt. Nos. 1, 3. Plaintiff is subject to a pre-filing review order because he has been declared a vexatious litigant. See *id.* at 2; see also *Ha v. U.S. Attorney General*, No. C 09-5281 JL, 2010 WL 3001224 (N.D. Cal. July 29, 2010).

The Court must therefore consider whether Plaintiff's proposed complaint is frivolous. "[A] frivolous claim is one that lacks an arguable basis in either law or fact." *Hung Ha v. New York City Hous. Auth.*, No. 11-misc-80020-PJH, 2011 WL 704425, at *1 (N.D. Cal. Feb. 18, 2011) (citing *Neitzke v. Williams*, 490 U.S. 319, 325 (1989)) (finding previous complaint filed by Plaintiff Hung Ha frivolous). Here, Plaintiff seeks to prevent Vice President Harris from serving in her elected role as Vice President of the United States. See Dkt. No. 1. He cites concerns with California's criminal justice system and with Vice President Harris's prior positions as the District Attorney of San Francisco and Attorney General of California. See *id.* Although Plaintiff cites a long list of concerns about the "design of the justice system" in California, see *id.* at 3–4, Plaintiff fails to explain how Vice President Harris is responsible for this system or what authority the Court has to remove her from elected office based on this system. Accordingly, the Court finds

the complaint is frivolous, and the request for permission to file the complaint is **DENIED**. The Clerk is directed to close the case and Plaintiff is cautioned that no further filings will be accepted in this closed case.

IT IS SO ORDERED.

Dated: 4/14/2021


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California